

A Commentary

CIA's Intelligence Sharing With Congress (U)

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Editor's Note: The following article is excerpted from the remarks made by the author while he served as a panelist at a 20 March 1997 public conference at Georgetown University. The conference was co-sponsored by Georgetown's Institute for the Study of Diplomacy and CIA's Center for the Study of Intelligence (CSI). The subject of this event was Congressional acquisition and use of intelligence. The discussions centered around a CSI-sponsored monograph by L. Britt Snider, Congress as a User of Intelligence, portions of which appeared in Studies In Intelligence (Vol. 40, No. 4, 1996).

I would like to pick up on something that [former Deputy Director of Central Intelligence] Dick Kerr mentioned at the outset. I want to focus specifically on the phenomenon of the President's own finished intelligence being used by Congress to question and attack the President's foreign policy initiatives—something that makes the foreign policy processes of the US Government absolutely unique.

In that respect, I would like to question one line in Britt's introduction [to his monograph]. Britt asserts that changes in the political dynamics brought about by expanded intelligence sharing are now commonly acknowledged. I think it is something of an exaggeration to say that the political dynamics are commonly and widely acknowledged. I would agree that those who are actually engaged in the intersection of policy and analysis, primarily analysts and working-level policymakers, are quite familiar with the consequences of basically full- and real-time access to

intelligence on the part of Congress. But I am struck by how little understood this phenomenon is by almost everyone else: by the media, by the academic community, and, strangely enough, by the senior echelons of our own foreign policy structure in the executive branch.

When I was invited to be on this panel, I asked what you wanted from me, and I was told to provide some anecdotes, so let me try to make my point by giving you some personal experiences of my own.

The first anecdote goes back to August 1974, almost two years before the oversight system was put into place and the flow of intelligence to Congress was institutionalized. I was then chief of the Indochina Branch in the CIA's Directorate of Intelligence. The Indochina war had entered its depressing final months. I had just drafted a National Intelligence Estimate on Cambodia that said that the Lon Nol government was going to fall to the Khmer Rouge in a matter of months, if not weeks or even days.

It just so happened that, at the time this Estimate was produced, a vote was scheduled in the Senate on the next year's economic assistance package for Cambodia. Everyone in the administration knew the situation was hopeless in Cambodia, and nobody needed an Estimate to tell them this. As a matter of fact, everyone knew the Lon Nol government was not going to survive long enough to see any of this money, even if Congress were to approve it. But the Ford administration

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nevertheless was making a full-court press to win this vote in the Senate. [Secretary of State] Henry Kissinger felt strongly that the spectacle of the United States openly abandoning an ally under these circumstances would be disastrous in terms of our credibility in the region.

While I do not know what transpired between DCI Colby and Congress on Cambodia, or how much pressure Colby felt himself under, what I do know is that the NIO [National Intelligence Officer] for East Asia, Bill Christison, received a call from Colby and was told to take the Estimate right off the presses, carry it downtown, and brief it to the Senate Foreign Relations Committee. That seems so commonplace today, but in 1974 it was a startling idea. [Such briefings] had been given a few times in the past, but always at a time and place of the administration's choosing. And this seemed like a strange time and place.

I remember Christison's puzzling over Colby's order. It was not even clear exactly what "briefing the Senate Foreign Relations Committee" meant—this was such a new concept. And his instructions from Colby were vague. But downtown Bill Christison went. The "briefing" to the foreign Relations Committee consisted of about a 45-second encounter with two staffers of the committee. Bill opened the Estimate and showed them the Key Judgments. They looked at the first paragraph, which said something like "It is hopeless in Cambodia," and they said, "Thanks, Bill, this is just what we are looking for." They snatched the document out of his hand and left the room. The next day, the vote held on the Senate

floor, and the administration lost. The Cambodia aid bill went down.

I do not know if that Estimate changed a single vote—maybe not. It certainly did not affect the outcome. Congress was in open revolt on Indochina, and I do not believe there was any chance that the vote was going to be won. But the White House was not so sure. Nor was Kissinger. In fact, Kissinger was furious, and poor Bill Colby got the full brunt of his wrath. Not only was Kissinger furious, he was also dumbfounded, flabbergasted. [His reaction was,] How could this be? This cannot happen. This is the President's National Intelligence Estimate. How could this go to Congress? It cannot happen.

Looking back, I believe [this episode] may have been the rough prototype for the system in place now, although at the time none of us were smart enough to know that. In fact, I remember discussing Kissinger's reaction with Christison. I distinctly recall telling Bill that I bet this was the last time we ever send a National Estimate down to Congress. So much for my crystal ball.

Kissinger's utter surprise and consternation was an understandable reaction, because this was essentially the first time that [Congressional use of executive branch finished intelligence to attack an important Presidential foreign policy initiative] had occurred.

This brings me to my second anecdote. I had subsequently become the Associate Deputy Director for Intelligence, working for [then Deputy Director for Intelligence] Dick Kerr, who told me not to screw things up, which I immediately proceeded to do. The first dominating international event after I moved into this job and got my instructions from Kerr was the decision to reflag the Kuwaiti tankers and provide them with naval escorts in and out of the Persian Gulf. This immediately set off a classic squabble between the White House and Congress over the War Powers Act, with Congress saying, in effect, By God, you did not consult us, you have sent American troops in harm's way, and we are going to invoke the War Powers Act. And the White House replying, so to speak, There is no danger here; what we have done does not change anything, and the Persian Gulf is as safe as it can be.

Then the CIA stumbles into this nasty little argument, doing what any proper premonitory analytic service would do: it self-initiated a memo examining likely foreign reactions to this US course of action. And the memo turned out to be absolutely prophetic. It concluded that the Iranians would feel obliged to react to this US intervention. It worried about the threats from Iranian mines and from Silkworm cruise missiles the Iranians had recently installed, and it concluded that the United States was moving into a dangerous situation and that sooner or later there was going to be trouble.

I do not quite remember the exact mechanics of how this [CIA analysis] reached the Hill, but reach it it did, where it was greeted with howls of

glee. The phone rang in the DDI suite. I do not know where Kerr was, and I am sure the phone call was for him, but I got to answer it. It was an angry National Security Adviser, this time Gen. Colin Powell. As Yogi Berra said, "It was *deja vu* all over again." My first anecdote immediately sprang into mind as I sat there and envisioned the sparks flying out of the receiver. It was the Henry Kissinger of 1974, without the German accent. Not only was Colin mad as hell, he was also flabbergasted. He said, in so many words, Tell me I am dreaming. This cannot happen. This is impossible. How could this happen? Unacceptable. This is impossible, I must be in a nightmare. Wake me up.

I do not know exactly why, but I believe it is quite clear that when this [blowback against executive-branch policy stemming from intelligence sharing with Congress] does occur, senior policymakers are never quite ready for it, cannot accept it, and do not quite understand why it happened. I do not believe this has sunk in; I do not believe it has been incorporated into everyone's consciousness. And our senior policymakers are by no means alone. I believe the media do a miserable job of understanding this. When something like this happens and it surfaces dramatically in the public view, the media typically misunderstand and misrepresent it.

Britt Snider uses the example of the Haitian estimate of 1993, which was a rather blatant instance of some people on the Hill making selective use of material in a National Estimate to ambush an administration's foreign

policy position. How was it portrayed by the media? Was it portrayed as a good example of historic changes and events and decisions made in the mid-1970s that altered the American foreign policy process in an important way, giving the Congress a lot more traction in foreign policy and making the President's job of managing foreign policy a lot more complicated? No. How was it presented by the media? How did it resonate around the country for a couple of months or more? It was, There they go again—those rogues at CIA are undermining their own President in the field of foreign policy. Well, whatever mistakes may have been made in the way that Estimate was presented on the Hill, this was a completely bogus interpretation, and the media completely missed the larger, profoundly important point about how the American foreign policy process had evolved in the past 15 years.

The media are not alone. From my point of view, the academic community in some ways is even more remiss. During my brief fledgling career as a novice academic, I have come to the conclusion that most university-level courses on the American foreign policy process are absolutely mute on this subject [intelligence sharing with Congress, and the repercussions thereof, as a major change in the US foreign policy process]. It is as if time was frozen in the 1960s. I believe the current scholarly literature on foreign policy processes has little discussion of this—almost none. I am not aware of any Ph.D. theses being done in this area, although I can think of some wonderful case studies that could be the basis for doctoral dissertations.

The media and the academic community do not quite get it. I believe Britt's paper is important because it may be the first step for raising the general public awareness of how our processes have evolved and of the constitutional implications. So I really welcomed Britt's study.

Like Dick Kerr, I was a little skeptical, Britt, when you said this morning that you thought agreement could be reached on not using intelligence in political settings for political purposes. You were kidding about that, weren't you? That is a rhetorical question.

I would be satisfied if we could just get people on the Hill, in the executive branch, and in the Intelligence Community together in the same room and agree on a description of the American foreign policy process, of how the intelligence sharing system with Congress works. If everyone could reach a mutual agreement on what happens, I believe it would do a lot toward taking some of the tension and shock out of the relationship when this unique aspect of our system works its way through. Maybe national security advisers would not be so angry and shocked when the inevitable consequences of sharing intelligence with Congress surface. I believe and hope, Britt, that your paper is going to be an important first step in educating senior policymakers and the public at large.